

Online Questions/Comments Submitted via E-mail

Why not put the cameras up and make them public access except in emergencies. The resolution could be easily degraded for public access and enhanced for official business. This could be a draw for downtown.

I believe this is a case of BIG BROTHER watching over us and can easily be miss-used for political control. This threatens to be a gross invasion of personal privacy.

Worst idea I ever heard of. "The Road to Hell is paved with Good Intentions".
We don't need someone making everyone a suspect in a surveillance state

Does an actual written policy exist within the GPD and/or City of Greensboro, re: release of body cam video? If there is, what is it? If there is not one, why not? The lack of a concrete written policy and/or guidelines seems to create the impression that any release of video to the public is arbitrary, depending on whether or not the GPD wishes to raise the issue of personnel laws or not. The presumption should be to always release absent a specifically cited exception, not never release unless no loopholes are found.

What is the purpose for this open forum? Are decisions being made or simply discussed? Lastly, what is the potential impact on me as a civilian? Thank you.

Why in the world would you do this? Thank you Mayor Vaughn. If these cameras go up it will be the LAST time I go down town. You will NEVER create a perfectly safe environment. Downtown Greensboro can forget my business coming there if this goes through.period. More reason for malls and outlets to move their business out of the cities.

Please cite for me EXACTLY WHERE in the enumerated powers of the U.S. Constitution, you are given the authority to spy on citizens. We are CITIZENS, not subjects, and the government rules with the CONSENT of the governed. We do not consent to this. If you don't believe it, give us a chance to vote on it!

You would better serve the citizens by providing this panel at a time when most people could attend. That the panelists could not attend at another time tells me you didn't try hard enough to find panelists who could. As for me, I won't be going downtown if the cameras are installed. I view it as a gross invasion of privacy and agree with Mayor Vaughan, I don't want to live in a police state. Thank you, Nancy

Online Questions/Comments Submitted During Panel Discussion

The City records calls to its help line, creating a record that, like body cameras, records interactions between city personnel and the public. The City advises callers that these recordings are public records and has, in fact, released them in response to records requests. How is it that the personnel records exception is applied to body camera recordings, but not help line recordings? Isn't it just a policy position?

Question for the City Attorney: Has the officer involved in the March shooting of the knife wielding woman, the video of which is being withheld under the guise of personnel records, been asked if he would consent to release of the video?

If all video is released, how do you prevent a rush to judgment and lynch mob mentality before a full investigation can be completed?

Why should we have to pay or help pay for something we don't have access to?

Why has the City Council been hesitant on voting for authority over cameras and subsequent footage?

If GPD is adamant about cameras being personnel property, then we must have a citizen review panel.

The personnel argument is weak – just because a record is created with a secondary possible use (officer evaluation) it does not make it a personnel record. How do those advocating this position reconcile that with attempts to apply the exemption in this way completely undermine the transparency objective of wearing cameras?

What is the truth about who funded the camera initiative and whose idea was it to begin with?

The police officers file may not be public information, why not?

Response from Panelists

Frayda Bluestein of the UNC School of Government, writes: "The interpretation that I presented at the forum regarding video footage as a confidential personnel record is based on the fact that a stated use of the video (vehicle or body-worn) is to assess officers' performance. (See GPD Body Worn Camera Policy, section 15.11.8: "Supervisors shall conduct routine reviews of selected recordings captured by officers assigned to them in order to assess officer performance.."). The personnel privacy statute applies to records gathered in connection with specific employees for any use relating to their performance as employees. This does not mean that all parts of all videos are confidential. There will be footage captured that does not involve activity that will be reviewed for evaluation of an officer's performance, but that might be used for training or simply in connection with solving or prosecuting a crime. These materials are not confidential. I believe, however, that it is most likely that in any case where there is an altercation, including a shooting or other injury, there will be a review of the officer's performance as shown on the video. Because this is an anticipated use, and one of several stated purposes for recording, the personnel privacy statute will apply to the portions of the video records that document these events. This is the current state of the law, but as the panel members noted, it conflicts with the broad expectation of the public and it has the potential to limit the effectiveness of the use of the cameras. A change in the law requires action by the state legislature. Here is a link to the blog post I wrote on this topic: [How Public Are Law Enforcement Vehicle or Body Camera Videos? \(Not Very, in North Carolina.\)](#)

I'm not familiar with the helpline, but generally these records are broader in purpose than the videos and are not created for the purpose of evaluating employees. Certainly, if a helpline specifically asks for feedback on employees, any such feedback would be considered part of the subject employee's personnel record. If the helpline is about reporting unlawful conditions (such as zoning or environmental code violations) or other

violations of law, or if they are to request city services, they are public by operation of the public records law, as well as several other provisions, as discussed in my [blog post about anonymous tips](#). “

Mark Prak, an attorney for the NC Association of Broadcasters, writes: "Body worn cameras offer great potential to reduce physical altercations between law enforcement and citizens. The research on this point is clear. The wearing of these cameras can protect both officers and citizens. Unnecessary force is far less likely to be employed by an officer wearing a body worn camera. Most (not all, of course) citizens behave better when on camera, as well.

Implementation of a body worn camera program requires thoughtful consideration and resolution of a variety of issues. Under our law, the video product generated by the cameras is, unquestionably, a public record. Whether, under any particular set of facts, that public record must be produced to a citizen requesting it, will depend upon the circumstances. In some cases, such videos may constitute records of a criminal investigation. Nonetheless, under the law, such records may be disclosed by the police where leadership believes it appropriate. A video depiction of actual events can, of course, be a powerful tool for allowing the community to understand the facts of a controversial incident.

I have read that some panelists believe that such videos may also be withheld from the public on the theory that they constitute "personnel file" material relating to the individual officer(s) involved in an interaction that is recorded. I'm less sanguine than some that this will be true as a matter of law. Recall that exceptions to the public records law are to be construed narrowly. That is a cornerstone canon in construing our public records law. Public records are the property of the people, not their government custodians or government employees. The effort by some to turn the personnel file exception into a convenient device to insulate public records from review has been soundly rejected by our courts. See, e.g., *News & Observer v. Poole* case decided by the NC Supreme Court in 1992. In any event, proponents of secrecy will always exist. And the Devil can cite scripture for his purpose. Fortunately, courts exist to resolve such disputes. Sound management by our law enforcement officials (and those to whom they report) should ensure that the production of explanatory video footage to the news media and public helps inform the community about current events involving community policing. On balance, body worn video cameras have much to offer the police and the community at large."

Christopher Brook, legal director of the ACLU of North Carolina, writes in response to the question "Why should we have to pay or help pay for something we don't have access to?": "This is an exceptionally important question for the public and elected officials.

The goal of this technology is to make law enforcement more transparent and provide members of the public with a tool for accountability and oversight. If properly regulated with closely-adhered to policies, body-worn cameras would thus provide taxpayers with a very valuable service.

The ACLU of North Carolina supports such technologies as a win-win for police and the public that can provide oversight and reduce complaints about law enforcement conduct, but only when the technology is supported by thoughtful regulation. Thoughtful regulation includes, among other provisions, allowing members of the public filmed by a body-worn camera to have access to the video. The promises of transparency that are used to justify the expenditure of taxpayer funds can only be realized with such

public access. We must also be mindful of the privacy rights of those captured by recordings, which is why not every video should be released to any person who requests it, and why police must adhere to strict policies that limit retention.”